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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,432	02/15/2001	Karl A. Slaikeu	100-352CIP	5076

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EXAMINER

LIU, JOSHUA C

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,432

Applicant(s)

SLAIKEU, KARL A.

Examiner

Joshua C Liu

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 have been examined.

Drawings

2. The drawings are objected to because:
 - Fig. 1-3 contain hand-written notations.
 - Fig. 1-3 contain non-uniformly thick lines.
 - Fig. 1-3 contain dotted lines.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because the abstract has 224 words. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 1, 4, 9-11, 14, and 19 are objected to because of the following informalities:

- Claim 1 recites "the resolution of conflicts" on L. 6, which has no antecedent basis.
- Claim 4 recites "the step of selecting variables from a group including at least:" on L. 2, which appears to then refer to a Markush group. The Examiner suggests the following correction: "the step of selecting conflict resolution variables from the group consisting of:".
- Claim 9 recites "step of the evaluation of:" on L. 2. The Examiner suggests the following correction: "step of evaluating:".
- Claim 9 recites "the satisfaction of" on L. 3, which has no antecedent basis.
- Claim 9 recites "the parties of" on L. 3, which has no antecedent basis.
- Claim 9 recites "the utilization of" on L. 3, which has no antecedent basis.
- Claim 9 recites "the resolution of" on L. 4, which has no antecedent basis.
- Claim 9 recites "the new conflict" on L. 4, which has no antecedent basis.
- Claim 10 recites "the resolution of conflicts" on L. 6, which has no antecedent basis.
- Claim 10 recites "are selected from a group including at least:" on L. 17, which appears to then refer to a Markush group. The Examiner suggests the following correction: "are selected from the group consisting of:".

- Claim 11 recites "the resolution of conflicts" on L. 6, which has no antecedent basis.
- Claim 11 recites "indicators of weakness" on L. 8, which has antecedent basis and appears to refer to "indicators of weakness" on L. 6.
- Claim 14 recites "instructions for selecting variables from a group including at least:" on L. 3, which appears to then refer to a Markush group. The Examiner suggests the following correction: "instructions for selecting conflict resolution variables from the group consisting of:".
- Claim 19 recites "step of the evaluation of:" on L. 2. The Examiner suggests the following correction: "step of evaluating:".
- Claim 19 recites "the satisfaction of" on L. 3, which has no antecedent basis.
- Claim 19 recites "the parties of" on L. 3, which has no antecedent basis.
- Claim 19 recites "the utilization of" on L. 3, which has no antecedent basis.
- Claim 19 recites "the resolution of" on L. 4, which has no antecedent basis.
- Claim 19 recites "the new conflict" on L. 4, which has no antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Elangovan (IDS 2/15/2001 Ref. 3R; Published 10/1995).

Claim 1

Claim 1 recites

A method for the analysis of existing organizational conflict handling procedures and recommending new organizational conflict handling procedures for the resolution of conflicts comprising the steps of:

- a) identifying existing organizational conflict handling procedures;
- b) applying a predetermined conflict resolution analysis template defining a preferred path for the resolution of conflicts, for identifying indicators of weakness in conflict handling procedures, to said existing organizational conflict handling procedures; and
- c) creating recommendations for new organizational conflict handling procedures that adhere to the preferred path.

Claim 1 is anticipated by Elangovan, wherein Elangovan teaches:

- A prescriptive model of strategy selection for dispute intervention, comprising the steps of:
 - (a)-(c) See (Elangovan Pg. 2 L. 46-55, "In developing the model... decision rules."; Pg. 3 L. 39-53, "A Prescriptive Model... the dispute."; Pg. 6 L. 30-50, "Step 3: Key Dispute... information access."; Pg. 11 L. 36-Pg. 13 L. 22, "Step 4: Decision Rules... and useful.").

Claim 2

Claim 2 recites "The method of claim 1 further comprising the step of requiring the new organizational conflict handling procedures to begin with site based resolution options for each new conflict", which is anticipated by Elangovan:

- See §102 rejection for claim 1, *supra*, and (Elangovan Pg. 2 L. 64-66, "First, it is... her subordinates.").

Claim 3

Claim 3 recites "The method of claim 1 further comprising the step of periodically reviewing preselected conflict resolution variables according to the template defining the preferred path and indicating if additional modifications to the new organizational conflict handling procedures are necessary in light of said review of the preselected conflict resolution variables", which is anticipated by Elangovan:

- See §102 rejection for claim 1, *supra*, and (Elangovan Pg. 3 L. 54-Pg. 4 L. 14, "Step 1: Criteria... associated costs.").

Claim 4

Claim 4 recites "The method of claim 3 wherein the step of reviewing preselected conflict resolution variables includes the step of selecting variables from a group including at least: conflict handling policy, personnel roles and responsibilities for handling conflict, conflict handling procedures documentation, selection of personnel with conflict handling skills, personnel education and training for conflict handling, support for conflict handling initiatives, and evaluation of conflict handling outcomes", which is anticipated by Elangovan:

- See §102 rejection for claim 3, *supra*, and (Elangovan Pg. 5 L. 17-33, "In sum,... final outcome."; Pg. 7 L. 38-58, "The critical importance... the organization."; Pg. 8 L. 28-30, "Nature of the... organizational framework."; Pg. 9 L. 27-36, "For example,... effective.").

Claim 5

Claim 5 recites "The method of claim 1 wherein the preferred path further includes the step of examining internal site-based resolution options between parties in

conflict, between said parties and others by collaboration, and between said parties by referral to internal higher authority", which is anticipated by Elangovan:

- See §102 rejection for claim 1, *supra*, and (Elangovan Pg. 2 L. 64-66, "First, it is... her subordinates.").

Claim 9

Claim 9 recites "The method of claim 3 wherein the step of periodically reviewing preselected conflict resolution variables comprises the step of the evaluation of: expenses involved, the satisfaction of the parties, the utilization of the new conflict handling procedures, and the resolution of the new conflict", which is anticipated by Elangovan:

- See §102 rejection for claim 3, *supra*.

8. Claims 6-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Slaikeu (IDS 6/7/2001 Ref. 1R; Published 10/1998).

Claim 6

Claim 6 recites "The method of claim 1 wherein (d) the step of identifying indicators of weakness includes the step of identifying: poor complaint handling; poor communication skills; poor negotiation skills; grievance procedures based on higher authority alone; overuse of litigation; adding ADR to a weak procedure; lack of continuity between conflict procedures for employees, customers, and business partners; and inadequate prevention procedures."

Claim 6 is anticipated by Slaikeu, wherein Slaikeu teaches:

- A method for the analysis of existing organizational conflict handling procedures and recommending new organizational conflict handling procedures for the resolution of conflicts, comprising the steps of:
 - (a)-(c) See (Slaikeu Ch. 1, 5-7); and
 - (d) See (Slaikeu Pg. 9-14, "Weak Systems... perceived as fair.").

Claim 7

Claim 7 recites "The method of claim 6 further comprising the step of identifying indirect indicators of weakness in the form of: high litigation expenses; lost/low productivity; bad press; strikes/poor labor relations; lost business; and internal disputes over how or when to use ADR."

Claim 7 is anticipated by Slaikeu:

- See §102 rejection for claim 6, and (Slaikeu Pg. 14-16, "High Costs...sexual harassment lawsuit.").

Claim 8

Claim 8 recites "The method of claim 1 further comprising (d) the step of requiring each new conflict to proceed sequentially through the preferred path of four conflict resolution gates beginning with individual site based initiatives, followed by internally supported negotiations, followed by external mediation, and lastly by referral to higher authority."

Claim 8 is anticipated by Slaikeu, wherein Slaikeu teaches:

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- A method for the analysis of existing organizational conflict handling procedures and recommending new organizational conflict handling procedures for the resolution of conflicts comprising the steps of:
 - (a)-(c) See (Slaikeu Ch. 1, 5-7); and
 - (d) See (Slaikeu Fig. 6.1 and 8.1).

Claim 10

Claim 10 recites

A method for the analysis of existing organizational conflict handling procedures and recommending new organizational conflict handling procedures for the resolution of conflicts comprising the steps of:

- a) identifying existing organizational conflict handling procedures;
- b) applying a predetermined conflict resolution template defining a preferred path for the resolution of conflicts, for identifying indicators of weakness in conflict handling procedures, to said existing organizational conflict handling procedures, wherein the preferred path for conflict resolution includes four conflict resolution gates beginning with individual site based initiatives, followed by internally supported negotiations, followed by external mediation, and lastly by referral to higher authority;
- c) creating recommendations for new organizational conflict handling procedures that adhere to the preferred path; and
- d) periodically reviewing preselected conflict resolution variables according to the template defining the preferred path and indicating if additional modifications to the new conflict handling procedures are necessary wherein the conflict resolution variables are selected from a group including at least: conflict handling policy, personnel roles and responsibilities for handling conflict, conflict handling procedures documentation, selection of personnel with conflict handling skills, personnel education and training for conflict handling, support for conflict handling initiatives, and evaluation of conflict handling outcomes.

Claim 10 is anticipated by Slaikeu, wherein Slaikeu teaches:

- A method for the analysis of existing organizational conflict handling procedures and recommending new organizational conflict handling procedures for the resolution of conflicts comprising the steps of:
 - (a)-(c) See (Slaikeu Ch. 1, 5-7; Fig. 6.1 and 8.1); and
 - (d) See (Slaikeu Ch. 10-11; Fig. 10.1 and 15.1).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 11-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elangovan (IDS 2/15/2001 Ref. 3R; Published 10/1995) in view of Surratt (IDS 6/7/2001 Ref. 3S; Published 1998).

Claim 11

Claim 11 recites

In a computer system with a database, computer readable media linked to the database for providing for the analysis of existing organizational conflict handling procedures and creating new organizational conflict handling procedures for the resolution of organizational conflicts, the computer readable media comprising:

a) instructions for a predetermined conflict resolution template defining a preferred path for the resolution of conflicts, for identifying indicators of weakness in said existing organizational conflict handling procedures;

b) instructions for examining indicators of weakness in said existing organizational conflict handling procedures identified by said template; and

c) instructions for modifying identified weaknesses in said existing organizational conflict handling procedures and creating new organizational conflict handling procedures that adhere to the preferred path.

➤ Elangovan teaches a prescriptive model of strategy selection for dispute

intervention, comprising the steps of:

(a)-(c) See (Elangovan Pg. 2 L. 46-55, "In developing the model... decision rules."; Pg. 3 L. 39-53, "A Prescriptive Model... the dispute."; Pg. 6 L. 30-50, "Step 3: Key Dispute... information access."; Pg. 11 L. 36-Pg. 13 L. 22, "Step 4: Decision Rules... and useful.").

However, Elangovan does not teach analyzing existing organizational conflict handling procedures and creating new organizational conflict handling procedures for the resolution of organizational conflicts on a computer system. Surratt teaches using computer systems to conduct Alternative Dispute Resolution, mediation, and negotiations (Surratt Pg. 2 L. 5-20, "The Mediator... optimal solutions."), which –allows one to easily enter areas of conflict and automatically calculate a fair and equitable solution (Surratt Pg. 2 L. 22-24, "This program... those preferences."). Therefore, it would have been obvious to one of ordinary skill in the art to modify Elangovan, in view of Surratt, by using computer systems to conduct Alternative Dispute Resolution, mediation, and negotiations.

Claim 12

Claim 12 recites "The invention of claim 11 further comprising instructions requiring the new organizational conflict handling procedures to begin with site based resolution options for each new conflict."

- See §103 rejection for claim 11, *supra*, and (Elangovan Pg. 2 L. 64-66, "First, it is... her subordinates.").

Claim 13

Claim 13 recites "The invention of claim 11 further comprising instructions for periodically reviewing preselected conflict resolution variables according to the template defining the preferred path and indicating if additional modifications to the new organizational conflict handling procedures are necessary."

- See §103 rejection for claim 11, *supra*, and (Elangovan Pg. 3 L. 54-Pg. 4 L. 14, "Step 1: Criteria... associated costs.").

Claim 14

Claim 14 recites "The invention of claim 13 wherein the instructions for periodically reviewing preselected conflict resolution variables further include instructions for selecting conflict resolution variables from a group including at least: conflict handling policy, personnel roles and responsibilities for handling conflict, conflict handling procedures documentation, selection of personnel with conflict handling skills, personnel education and training for conflict handling, support for conflict handling initiatives, and evaluation of conflict handling outcomes."

- See §103 rejection for claim 13, *supra*, and (Elangovan Pg. 5 L. 17-33, "In sum,... final outcome."; Pg. 7 L. 38-58, "The critical importance... the organization."; Pg. 8 L. 28-30, "Nature of the... organizational framework."; Pg. 9 L. 27-36, "For example,... effective.").

Claim 15

Claim 15 recites "The invention of claim 11 wherein the instructions for a preferred path further comprise instructions for examining internal site-based resolution options between parties in conflict, between said parties and others by collaboration, and between said parties by referral to internal higher authority."

- See §103 rejection for claim 11, *supra*, and (Elangovan Pg. 2 L. 64-66, "First, it is... her subordinates.").

Claim 19

Claim 19 recites "The invention of claim 13 wherein the instructions for periodically reviewing preselected conflict resolution variables further comprise instructions for the evaluation of: expenses involved; the satisfaction of the parties; the utilization of the new conflict handling procedures; and the resolution of the new conflict."

➤ See §103 rejection for claim 13, *supra*.

11. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaikeu (IDS 6/7/2001 Ref. 1R; Published 10/1998) in view of Surratt (IDS 6/7/2001 Ref. 3S; Published 1998).

Claim 16

Claim 16 recites "The invention of claim 11 wherein (d) the instructions for identifying indicators of weakness includes instructions for identifying: poor complaint handling; poor communication skills; poor negotiation skills; grievance procedures based on higher authority alone; overuse of litigation; adding ADR to a weak procedure; lack of continuity between conflict procedures for employees, customers, and business partners; and inadequate prevention procedures."

➤ Slaikeu teaches a method for the analysis of existing organizational conflict handling procedures and recommending new organizational conflict handling procedures for the resolution of conflicts, comprising the steps of:

(a)-(c) See (Slaikeu Ch. 1, 5-7); and

(d) See (Slaikeu Pg. 9-14, "Weak Systems... perceived as fair.").

However, Slaikeu does not teach analyzing existing organizational conflict handling procedures and creating new organizational conflict handling procedures for the resolution of organizational conflicts on a computer system. Surratt teaches using computer systems to conduct Alternative Dispute Resolution, mediation, and negotiations (Surratt Pg. 2 L. 5-20, "The Mediator... optimal solutions."), which –allows one to easily enter areas of conflict and automatically calculate a fair and equitable solution (Surratt Pg. 2 L. 22-24, "This program... those preferences."). Therefore, it would have been obvious to one of ordinary skill in the art to modify Slaikeu, in view of Surratt, by using computer systems to conduct Alternative Dispute Resolution, mediation, and negotiations.

Claim 17

Claim 17 recites "The invention of claim 16 further comprising instructions for identifying indirect indicators of weakness in the form of: high litigation expenses; lost/low productivity; bad press; strikes/poor labor relations; lost business; and internal disputes over how or when to use ADR."

- See §103 rejection for claim 16, and (Slaikeu Pg. 14-16, "High Costs...sexual harassment lawsuit.").

Claim 18

Claim 18 recites "The invention of claim 11 further comprising (d) instructions for requiring each new conflict to proceed sequentially through the preferred path of four conflict resolution gates beginning with individual site based initiatives; followed by

internally supported negotiations, followed by external mediation, and lastly by referral to higher authority.”

- A method for the analysis of existing organizational conflict handling procedures and recommending new organizational conflict handling procedures for the resolution of conflicts, comprising the steps of:
 - (a)-(c) See (Slaikeu Ch. 1, 5-7); and
 - (d) See (Slaikeu Fig. 6.1 and 8.1).

However, Slaikeu does not teach analyzing existing organizational conflict handling procedures and creating new organizational conflict handling procedures for the resolution of organizational conflicts on a computer system. Surratt teaches using computer systems to conduct Alternative Dispute Resolution, mediation, and negotiations (Surratt Pg. 2 L. 5-20, “The Mediator... optimal solutions.”), which –allows one to easily enter areas of conflict and automatically calculate a fair and equitable solution (Surratt Pg. 2 L. 22-24, “This program... those preferences.”). Therefore, it would have been obvious to one of ordinary skill in the art to modify Slaikeu, in view of Surratt, by using computer systems to conduct Alternative Dispute Resolution, mediation, and negotiations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua C Liu whose telephone number is (703) 305-6435. The examiner can normally be reached on Monday-Friday, 8:30am-5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri, can be reached on (703) 305-0282. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


jl

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER
3/8/04
For Anil Khatri